

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ERIC R. BAHE, Custodian, CGM Roth
Conversion IRA,

Plaintiff,

v.

FRANKLIN/TEMPLETON DISTRIBUTORS,
INC., and WILLIAM J. LIPPMAN,

Defendants, and

FRANKLIN BALANCE SHEET INVESTMENT
FUND,

Nominal Defendant.

Civil Action No. 04-11195 (MLW)

PLAINTIFF'S ASSENTED TO MOTION TO AMEND SCHEDULING ORDER

Plaintiff Eric R. Bahe hereby moves this Court to amend paragraph 11 of the Scheduling Order entered in this action on March 21, 2005, so that the paragraph would provide as follows:

11. Plaintiff(s) and/or Counterclaim or Third Party Plaintiff(s) shall by January 17, 2006 designate experts and disclose the information described in Fed. R. Civ. P. 26(a)(2), concerning each expert. Each other party shall by March 6, 2006 designate expert(s) and disclose the information described in Fed. R. Civ. P. 26(a)(2).

The amendment requested herein would extend by forty-five days the deadlines for designating experts and submitting expert reports. The requested amendment

would not extend or change the other dates set forth in the Court's Scheduling Order.

The defendants have assented to this motion.

Dated: November 29, 2005

Respectfully submitted,

/s/ Edward F. Haber

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The Defendants assent to this motion:

/s/ Daniel A. Pollack

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CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

I, Edward F. Haber, counsel for the plaintiff, hereby certify pursuant to Rule 7.1, I conferred with defendant's counsel, Daniel Pollack, who stated that defendants assent to the allowance of this motion.

/s/ Edward F. Haber

Edward F. Haber